## REMARKS

### Allowable Subject Matter

Applicant appreciates the Examiner having allowed claims 1 – 4.

### Examiner's Amendment

Applicant appreciates authorization for the Examiner amendments to claims 6, 7, 8, 10 and 12. Applicant has indicated the Examiner's amendments to claims 6, 7 and 8 in the above listed claims. However, the Examiner's amendments to claims 10 and 12 have been further amended to property depend on claim 9.

### Applicant's Concurrent Amendment

Applicant has amended claims 5, 9 and 11 to further distinguish them from Applicant's Admitted Prior Art ("AAPR") and for further clarification.

### Rejection of Claims 5, 6 and 8 – 11 under 35 USC 102(b) and Objections to Claims 7 and 11

The Examiner has objected to Claims 5, 6 and 8 – 11 as being anticipated by Admitted Prior Art ("AAPR") and for further clarification. The Examiner has objected to claims 7 and 11 as being dependent upon a rejected claim. Applicants respectfully disagree.

It is noted that the International Telecommunications Union (ITU)'s recommendations G. 709 "Interface for the Optical Transport Network (OTN)" are provided for data encapsulation and for specific sections in that encapsulation for such data integrity checks. The recommendations provide for a specific frame structure that has a specific header with section in the header specifically tasked for containing error correction data (see Paragraph [0004] of the description. One of the features of the G.709 recommendations is to provide a maximum of six connections to be monitored through each entry or exit point (see Paragraph [009] of the description. As stated in the description (Paragraph [00010]), at the time of application, the only solutions to monitoring the data frames entering and exiting a network are software

based. The software solution and implementation are problematic, because of large amounts of processing power and slow data process in real-time (see Paragraph [00010] of the description).

Applicant respectfully submits that the present invention proposes a hardware based solution, instead of the software solutions. The hardware based solution is advantageous, because of increased data processing speed and easy implementation, etc. Therefore, the present invention intends to provide the processing of data that is either entering or exiting an entry or exit point of a network. The processing is performed at the point (see Paragraphs [00011] and [00012] of the description).

Amended claim 5 recites "A method for processing data transmission units (DTUs) to monitor the performance of multiple connection across a single network, the multiple connection being made through access points of the network, the method being performed at the access point, ----." Therefore, the subject matter of amended claim 5 achieves the monitoring of a performance of multiple connection in a network. There are access points in the network and the method for processing DTUs to achieve the connection performance monitoring is performed at the access point. This is supported by the disclosure of Figure 5 and its relating description (e.g., Paragraph [00074]).

Applicant respectfully submits that the G. 709 recommendations are silent where the data processing is performed. The present invention provides such a method performed at the access point where the transmitting data enters or exists. Such a method is easily implemented in a hardware of the access point. Thus, amended claim 5 is novel over AAPA and is patentable.

Claims 6 – 8 depend on amended claim 5 with limitations to the features thereof and claims 6 – 8 are also patentable.

For the same reasons, amended claim 9 is novel and patentable. Claims 10 – 12 depend on amended claim 9 with limitations to the features thereof and claims 10 – 12 are also patentable.

No fee is believed due for this submission. However, Applicant authorizes the Commissioner to debit any required fee from Deposit Account No. 501593, in the name of Borden Ladner Gervais LLP. The Commissioner is further authorized to debit any additional amount required, and to credit any overpayment to the above-noted deposit account.

It is submitted that this application is now in condition for allowance, and action to that end is respectfully requested.

Respectfully submitted,

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By: _____

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